

NOSVA customers that switched their service from NOS, Affinity, and/or NOSVA to another carrier.

17. All documents relating to each instance in which a NOS, Affinity, and/or NOSVA employee and/or agent identified himself or herself as a NOS, Affinity, and/or NOSVA customer (or former NOS, Affinity, and/or NOSVA customer) during a telephone conversation with a representative from a local exchange carrier and/or inter-exchange carrier in order to effectuate or attempt to effectuate a change of service on behalf of the current or former NOS, Affinity, and/or NOSVA customer.

18 All documents upon which NOS, Affinity, and/or NOSVA (including their respective officers, directors, partners, managers, supervisors and/or or employees) relied upon in determining that one or more winback calls would or should be made to representatives of Advanced Tex, All Tek Transportation, Appeal Insurance Company, Arizconsin Group, d/b/a Crandon Nursing Home, Bank of the Sierra, Becker Wagonmaster, Inc., Century 21, Associates, Chicago Title Insurance Co., EarthAction Alerts Network, Genisys Financial d/b/a Magellan Mortgage, Nelson Engineering, The Bank of Yellville, Tri-V Services or Tideland Membership Corp

19 All documents relating to NOS, Affinity, and/or NOSVA winback-related activities involving Advanced Tex, All Tek Transportation, Appeal Insurance Company, Arizconsin Group, d/b/a Crandon Nursing Home, Bank of the Sierra, Becker Wagonmaster, Inc., Century 21, Associates, Chicago Title Insurance Co., EarthAction Alerts Network, Genisys Financial d/b/a Magellan Mortgage, Nelson Engineering, The Bank of Yellville, Tri-V Services or Tideland Membership Corp

20 All documents (including audiotapes and electronic recordings or files of

any kind) relating to NOS, Affinity, and/or NOSVA winback-related calls from Marsha Gibbs and Tim Slingerland to NOS, Affinity, and/or NOSVA current and/or former customers between April 20 and 30, 2002 and between March 20 and 30, 2003

21. All documents received by NOS, Affinity, and/or NOSVA from or on behalf of NOS, Affinity, and/or NOSVA current and/or former customers relating to complaints about or criticisms of NOS, Affinity and/or NOSVA winback-related activities

22 All documents relating to LOAs received from and/or submitted on behalf of Advanced Tex. All Tek Transportation, Appeal Insurance Company, Arizconsin Group, d/b/a Crandon Nursing Home, Bank of the Sierra, Becker Wagonmaster, Inc., Century 21, Associates, Chicago Title Insurance Co., EarthAction Alerts Network, Genisys Financial d/b/a Magellan Mortgage, Nelson Engineering, The Bank of Yellville, Tri-V Services or Tideland Membership Corp

23 All documents relating to how NOS, Affinity, and/or NOSVA determine or determined the identity of customers to whom its employees and/or agents will or would direct winback calls

24 All documents relating to any disciplinary action of any kind whatsoever taken and/or imposed against any NOS, Affinity, and/or NOSVA employee and/or agent involving any apparent, alleged, and/or perceived failure to follow and/or conform to any winback script during one or more winback calls made by the employee and/or agent on behalf of NOS, Affinity, and/or NOSVA

25. All documents relating to training of NOS, Affinity, and/or NOSVA employees and/or agents involved in making winback calls on behalf of NOS, Affinity, and/or NOSVA.

26. All documents relating to sales goals, incentives, or disincentives for NOS, Affinity, and/or NOSVA employees and/or agents involved in winback-related activities

27. All documents relating to and/or reflecting performance appraisals of Robert Faulkner

28. All documents relating to and/or reflecting any severance package provided to Robert Faulkner.

29. All documents relating to any meetings in March or April 2002 between or among Robert Faulkner and/or Joseph Koppv and/or Michael Arnau.

30. All documents relating to the performance of the NOS, Affinity, and/or NOSVA Accounts Receivable and Collections Department during the period April 2001 through April 2002

31. All documents relating to and/or reflecting all performance appraisals of Marsha Gibbs

32. All documents relating to and/or reflecting all organizational charts of NOS, Affinity and/or NOSVA

33. All documents relating to "calling as customer" initiatives or practices of NOS, Affinity and/or NOSVA

34. All documents relating to "short term winback" initiatives or practices of NOS, Affinity and/or NOSVA

35 All complaints, counter-claims, and/or cross-claims filed in any county, state or federal court against NOS, Affinity and/or NOSVA alleging the companies engaged in fraudulent marketing practices

36. All documents relating to the resolution of such complaints, counter-claims, and/or cross-claims, as referenced in Request No. 35

37 All complaints, indictments, orders to show cause, hearing designation orders or similar proceeding-initiating documents filed against NOS, Affinity and/or NOSVA by any state public utility commission containing the allegation that any such entity engaged in fraudulent marketing practices

38 All documents relating to the resolution of all complaints, indictments, orders to show cause, hearing designation orders or similar proceeding- initiating documents, as referenced in Request No. 37

39 All documents relating to LOAs received from and or submitted on behalf all NOS, Affinity, and/or NOSVA current and/or former customers relating to the provision of service by NOS, Affinity, and/or NOSVA on a temporary basis and/or for a temporary period of time

40 All documents relating to the discharge of all NOS, Affinity, and/or NOSVA employees and/or agents who were discharged for reasons related to their winback-related activities on behalf of NOS, Affinity, and/or NOSVA

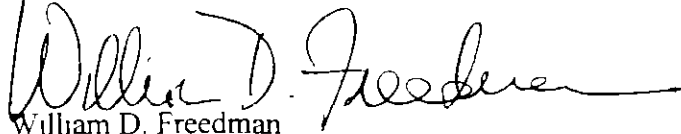
41 All documents relating to the relocation or proposed, planned and/or contemplated relocation of any or all NOS, Affinity, and/or NOSVA facilities, offices,

and/or operations to Nevada or to a location or locations elsewhere.

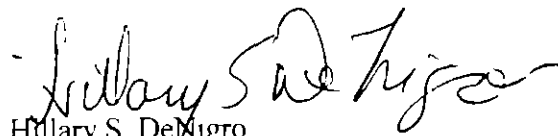
Respectfully submitted.  
David H. Solomon  
Chief, Enforcement Bureau



Maureen F. Del Duca  
Chief, Investigations and Hearings Division



William D. Freedman  
Deputy Chief, Investigations and Hearing Division



Hillary S. DeNigro  
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Gary Schonman  
Special Counsel

Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 3-B443  
Washington, DC 20554  
(202) 418-1420  
July 3, 2003

**CERTIFICATE OF SERVICE**

I, Makia Day, a staff assistant in the Investigations & Hearings Division of the Enforcement Bureau, Federal Communications Commission, do hereby certify that, on July 3, 2003, a copy of the foregoing "Enforcement Bureau's First Request for Production of Documents from Affinity Network Incorporated" to:

Honorable Arthur I. Steinberg\*  
Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Rm 1-C861  
Washington, D.C. 20554

Danny E. Adams, Esq.  
Kelley Drye & Warren LLP  
8000 Towers Crescent Drive, Suite 1200  
Vienna, VA 22182

~~Principals of Affinity Network, Inc., NOSVA Limited Partnership, and the~~  
Principals of Affinity Network, Inc., NOSVA Limited Partnership, and NOS  
Communications, Inc.)

Russell D. Lukas, Esq.  
Lukas, Nace, Gutierrez & Sachs, Chartered  
1111 19<sup>th</sup> Street, N.W., Suite 1200  
Washington, DC 20036  
(Counsel for NOS Communications, Inc.)

  
Makia Day

**Attachment B**

**Joint Objections and Responses**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

|                                   |   |                       |
|-----------------------------------|---|-----------------------|
| In the Matter of                  | ) | EB Docket No. 03-96   |
|                                   | ) |                       |
|                                   | ) | File No. EB-02-TC-119 |
|                                   | ) |                       |
| NOS Communications, Inc ,         | ) | Acct. No 200332170003 |
| Affinity Network Incorporated and | ) |                       |
| NOSVA Limited Partnership         | ) | FRN No 0004942538     |

**JOINT OBJECTIONS AND RESPONSES TO ENFORCEMENT BUREAU'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

NOS Communications, Inc ("NOS"), Affinity Network, Incorporated ("Affinity," "ANI"), NOSVA Limited Partnership ("NOSVA") (collectively and otherwise referred to as the "Companies"), by counsel and pursuant to the Rules and Regulations of the Federal Communications Commission, hereby submit these Joint Objections and Responses to Enforcement Bureau's *First Request for Production of Documents*

**GENERAL OBJECTIONS**

The Companies reserve the right to amend or supplement these responses as discovery in the case progresses, as new facts develop and as new information is obtained. The following responses are given without prejudice to the Companies' right to produce or rely on additional evidence at trial or in connection with any pretrial proceedings.

The Companies make the following General Objections and incorporate each of them into every specific response made below. The assertion of the same, similar or additional objections in any specific response does not waive the Companies' objections as set forth below.

The Companies object to each of the individual Requests for Production to the extent that they call for information protected by the attorney-client privilege, the work product doctrine, or



any other applicable privilege or immunity. Such privileged information will not be produced and any inadvertent disclosure or production thereof will not be deemed a waiver of any privilege or protection

The Companies object to each of the individual Requests for Production to the extent that they purport to require disclosure of any information protected by the right to privacy under the constitutions of the United States and/or any state in which the Companies are located.

The Companies object to each of the individual Requests for Production to the extent that they purport to impose the burden of furnishing information that is not available to the Companies or that is equally or more readily available to the Enforcement Bureau.

The Companies object to each of the instructions, definitions and individual Requests for Production to the extent that they purport to impose any obligation on the Companies greater than or different from that imposed by the Rules of the Federal Communications Commission.

The Companies object to each of the individual Requests for Production to the extent that they are vague, ambiguous, overly broad and/or unduly burdensome

The Companies object to each of the individual Requests for Production to the extent that they seek documents that are irrelevant to the present dispute and which are furthermore not reasonably calculated to lead to the discovery of admissible evidence.

The Companies object to each of the individual Requests for Production to the extent that they purport to require the Companies to disclose any information that is commercially sensitive, confidential, proprietary or reflects trade secrets. Any inadvertent disclosure or production thereof will not be deemed a waiver of any privilege or protection.

The Companies object to the Definition "Winback" on the grounds of burden, scope, relevance and breadth. As defined, the Bureau seeks information regarding "winback" programs

not identified in its Order to Show Cause and Notice of Opportunity for Hearing (“Show Cause Order”)<sup>1</sup> As with most telecommunications companies, the Companies engage in a variety of efforts to “winback” customers (1) that have recently left its service, (2) that are in the process of leaving its service, but still have lines left behind, or (3) for which it has received an indication that the customer might soon completely or partially leave its service. The Show Cause Order – including each attached affidavit and script – relates solely to the second type of “winback” effort of the Companies – an attempt to win back customers who have partially left its service (referred to as “Winback I” within the Companies).<sup>2</sup> “Winback I” efforts were typically triggered by the Companies noticing that some lines with it had no recent traffic, while others still had traffic, or by receiving a code from the local exchange carrier that the customer has changed service providers, while active lines remained with the Companies. This was not an infrequent event when a customer sought to change carriers. The other “winback” efforts of the Companies are neither discussed nor alluded to in the Show Cause Order and, therefore, could not be reasonably calculated to lead to the discovery of admissible evidence.

The Companies, therefore, object to the Definition of “Winback” to the extent it seeks information regarding the “winback” program not identified in its Show Cause Order. The Show

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<sup>1</sup> In re NOS Communications, Inc., Affinity Network Incorporated and NOSVA Limited Partnership, Order to Show Cause and Notice of Opportunity for Hearing, EB Docket No 03-09 (April 7, 2003).

<sup>2</sup> As the Show Cause Order directs, the Hearing is limited in scope to whether the Company engaged in “improper inducements [that] apparently included the Companies contacting their former customers and describing ‘problems’ that the customers’ chosen carriers were allegedly having in completing the customers’ requests to establish new service.” Id. at para. 2. Or, as the Commission specifically alleged, “In reality, the consumers had already been switched to their new preferred carriers and the Companies’ marketing campaign was an apparently misleading scheme to trick consumers into returning to the Companies’ service.” Id.; see also para. 16. In other words, the Show Cause Order is limited to a practice referred to within the Company as a “Winback I,” “partial line winback” or “partial line save” (herein referred to as “Winback I”) – an attempt to win back customers that have left the Companies’ service, but that have left lines behind with the Companies.

Cause Order does not reflect any issue with any other “winback” initiative except for the initiative related to attempting to “winback” customers that have partially left the Companies’ service. To include all other “winback” initiatives would greatly broaden the scope identified within the Show Cause Order. “Winback I” was limited to certain of sales agents, reached far fewer customers and had scripts separate and distinct from other “winback” scripts. The Companies’ response, therefore, will be limited to the scope, relevance and breadth as identified in the Show Cause Order.

In addition to the General Objections, the Companies reserve all rights to supplement or modify any of its responses as the discovery process continues.

Subject to the above objections, the Companies respond as follows:

### **RESPONSES AND SPECIFIC OBJECTIONS**

#### **Request No. 1:**

- 1 All documents relating to the article of incorporation and by-laws of NOS and/or Affinity since their respective incorporations.

#### **Objections and Response to Request No. 1:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

The Companies are in the process of compiling responsive material and intend to produce such material by Friday, August 1, 2003.

#### **Request No. 2:**

- 2 All documents relating to the partnership agreement of NOSVA since its formation.

**Objections and Response to Request No. 2:**

The Companies hereby incorporate their General Objections to the extent applicable Subject to, and without waiving their objections, the Companies respond as follows:

The Companies are in the process of compiling responsive material and intend to produce such material by Friday, August 1, 2003

**Request No. 3:**

- 3 All documents relating to the minutes of all board of directors meetings and NOS and/or Affinity since the incorporation of each entity

**Objections and Response to Request No. 3:**

The Companies hereby incorporate their General Objections to the extent applicable. Subject to, and without waiving their objections, the Companies respond as follows:

The Companies are in the process of compiling responsive material to the extent it may exist and intend to produce such material by Friday, August 1, 2003

**Request No. 4:**

- 4 All documents relating to the interrelationship, if any, between or among NOS, Affinity and/or NOSVA and/or any other business entities

**Objections and Response to Request No. 4:**

The Companies hereby incorporate their General Objections to the extent applicable. Subject to, and without waiving their objections, the Companies respond as follows:

Objection. The Companies listed as parties to this proceeding are the three businesses "between or among NOS, Affinity and/or NOSVA and/or any other business entities" falling within the jurisdiction of the Federal Communications Commission. There are no other

companies falling within the jurisdiction of the Commission. Responsive documents are produced to the extent such documents are responsive consistent with this objection.

**Request No. 5:**

- 5 All documents relating to any ownership interest of any kind whatsoever that NOS, Affinity and/or NOSVA have, or have had, in any other business entity.

**Objections and Response to Request No. 5:**

The Companies hereby incorporate their General Objections to the extent applicable Subject to, and without waiving their objections, the Companies respond as follows:

Objection. The Companies listed as parties to this proceeding are the three related businesses falling within the jurisdiction of the Federal Communications Commission. Responsive documents are produced to the extent such documents are responsive to other Requests herein.

**Request No. 6:**

- 6 All documents relating to any ownership interest of any kind whatsoever that any individual or entity has, or has had, in NOS, Affinity, and/or NOSVA.

**Objections and Response to Request No. 6:**

The Companies hereby incorporate their General Objections to the extent applicable. Subject to, and without waiving their objections, the Companies respond as follows:

The Companies are in the process of compiling responsive material to the extent it may exist and intend to produce such material by Friday, August 1, 2003.

**Request No. 7:**

- 7 All documents identifying the officers, directors, and shareholders of NOS and Affinity.

**Objections and Response to Request No. 7:**

The Companies hereby incorporate their General Objections to the extent applicable Subject to, and without waiving their objections, the Companies respond as follows:

The Companies are in the process of compiling responsive material to the extent it may exist and intend to produce such material by Friday, August 1, 2003.

**Request No. 8:**

- 8 All documents identifying the general and limited partners of NOSVA

**Objections and Response to Request No. 8:**

The Companies hereby incorporate their General Objections to the extent applicable. Subject to, and without waiving their objections, the Companies respond as follows:

The Companies are in the process of compiling responsive material to the extent it may exist and intend to produce such material by Friday, August 1, 2003.

**Request No. 9:**

- 9 All documents relating to the criminal conviction of any individual who is or has ever been an officer, director, partner (general or limited partner) or shareholder of NOS, Affinity, and/or NOSVA, regardless of the date of conviction.

**Objections and Response to Request No. 9:**

The Companies hereby incorporate their General Objections to the extent applicable. Subject to, and without waiving their objections, the Companies respond as follows:

Objection. The Companies are not in possession of documents responsive to this Request. To the extent such documents may exist and are not privileged, the Companies object that such documents are not relevant nor reasonably calculated to lead to the discovery of admissible evidence

**Request No. 10:**

- 10 All documents relating to federal or state tax returns filed by or on behalf of NOS, Affinity, and/or NOSVA

**Objections and Response to Request No. 10:**

*The Companies hereby incorporate their General Objections to the extent applicable.*

Subject to, and without waiving their objections, the Companies respond as follows:

Objection The Companies object that such documents are not relevant nor reasonably calculated to lead to the discovery of admissible evidence

**Request No. 11:**

11. All documents relating to instructions and/or directions for making winback calls provided to NOS, Affinity, and/or NOSVA employees and/or agents

**Objections and Response to Request No. 11:**

*The Companies hereby incorporate their General Objections to the extent applicable*

Subject to, and without waiving their objections, the Companies respond as follows.

Without waiving said objections, responsive material is produced.

**Request No. 12:**

- 12 All documents relating to NOS, Affinity, and/or NOSVA winback-related activities prepared by or on behalf of, sent from or on behalf of, and/or addressed, copied or forwarded to: Robert Faulkner, Marsha Gibbs, Tim Slingerland, Raymond Perea, Martin Mazzara, and/or Regal Megret.

**Objections and Response to Request No. 12:**

*The Companies hereby incorporate their General Objections to the extent applicable.*

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 13:**

- 13 All documents relating to scripts used in connection with NOS, Affinity, and/or NOSVA winback-related activities

**Objections and Response to Request No. 13:**

The Companies hereby incorporate their General Objections to the extent applicable

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 14:**

- 14 All documents relating to NOS, Affinity, and/or NOSVA winback-related activities prepared by or on behalf of, sent from or on behalf of, and/or addressed, copied or forwarded to and NOS, Affinity, and/or NOSVA officer, director, partner (general or limited partner), manager, or supervisor

**Objections and Response to Request No. 14:**

The Companies hereby incorporate their General Objections to the extent applicable

Subject to, and without waiving their objections, the Companies respond as follows:

The Companies are in the process of compiling responsive material to the extent it may exist and intend to produce such material by Friday, August 1, 2003.

**Request No. 15:**

- 15 All documents relating to the capability of NOS, Affinity, and/or NOSVA employees and/or agents to monitor, observe, analyze, and/or scrutinize in real time the telephone activity of NOS, Affinity, or NOSVA customers.

**Objections and Response to Request No. 15:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.



**Request No. 16:**

- 16 All documents received by NOS, Affinity and/or NOSVA from local exchange carriers and/or inter-exchange carriers relating to NOS, Affinity, and/or NOSVA customers that switched their service from NOS, Affinity, and/or NOSVA to another carrier

**Objections and Response to Request No. 16:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced

**Request No. 17:**

17. All documents relating to each instance in which a NOS, Affinity, and/or NOSVA employee and/or agent identified himself or herself as a NOS, Affinity, and/or NOSVA customer (or former NOS, Affinity, and/or NOSVA customer) during a telephone conversation with a representative from a local exchange carrier and/or inter-exchange carrier in order to effectuate or attempt a change of service on behalf of the current or former NOS, Affinity, and/or NOSVA customer.

**Objections and Response to Request No. 17:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows

Without waiving said objections, responsive material is produced.

**Request No. 18:**

18. All documents upon which NOS, Affinity, and/or NOSVA (including their respective officers, directors, partners, managers, supervisors and/or employees) relied upon in determining that one or more winback calls would or should be made to representatives of: Advanced Tex, All Tek Transportation, Appeal Insurance Company, Arizconsin Group, d/b/a Crandon Nursing Home, Bank of the Sierra, Becker Wagonmaster, Inc., Century 21 Associates, Chicago Title Insurance Co., EarthAction Alerts Network, Genisys Financial d/b/a Magellan Mortgage, Nelson Engineering, The Bank of Yellville, Tn-V Services or Tideland Membership Corp.

**Objections and Response to Request No. 18:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced

**Request No. 19:**

- 19 All documents relating to NOS, Affinity, and/or NOSVA winback-related activities involving Advanced Tex, All Tek Transportation, Appeal Insurance Company, Arizconsin Group, d/b/a Crandon Nursing Home, Bank of the Sierra, Becker Wagonmaster, Inc , Century 21 Associates, Chicago Title Insurance Co , EarthAction Alerts Network, Genisys Financial d/b/a Magellan Mortgage, Nelson Engineering, The Bank of Yellville, Tri-V Services or Tideland Membership Corp.

**Objections and Response to Request No. 19:**

The Companies hereby incorporate their General Objections to the extent applicable

Subject to, and without waiving their objections, the Companies respond as follows

Without waiving said objections, responsive material is produced

**Request No. 20:**

- 20 All documents (including audiotapes and electronic recordings or files of and kind) relating to NOS, Affinity, and/or NOSVA winback-related calls from Marsha Gibbs and Tim Slingerland to NOS, Affinity, and/or NOSVA current and/or former customers between April 20 and 30, 2002, and between March 20 and 30, 2003.

**Objections and Response to Request No. 20:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Objection. Overbroad and burdensome. In response to other Requests, the Companies are producing material including recordings of all calls relating to each of the complainants

identified in the Show Cause Order. Retrieving calls made by the two employees identified for the twenty day period requested is an overly broad and burdensome task, which will not result in material reasonably calculated to lead to the discovery of admissible evidence. During the time period identified the Companies do not believe that Marsha Gibbs and Tim Slingerland were limited to a single phone extension within the Companies. The Companies would, therefore, have to retrieve from storage and review twenty days of calls from all Winback Sales Representatives in order to discover arguably responsive material.

The Companies have advised Bureau counsel of its inability to timely respond to this Request and are currently attempting to reach a compromise solution.

**Request No. 21:**

- 21 All documents received by NOS, Affinity, and/or NOSVA from or on behalf of NOS, Affinity, and/or NOSVA current and/or former customers relating to complaints about or criticisms of NOS, Affinity and/or NOSVA winback-related activities.

**Objections and Response to Request No. 21:**

The Companies hereby incorporate their General Objections to the extent applicable. Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 22:**

- 22 All documents relating to LOAs received from and/or submitted on behalf of: Advanced Tex, All Tek Transportation, Appeal Insurance Company, Arizconsin Group, d/b/a Crandon Nursing Home, Bank of the Sierra, Becker Wagonmaster, Inc., Century 21 Associates, Chicago Title Insurance Co., EarthAction Alerts Network, Genisys Financial d/b/a Magellan Mortgage, Nelson Engineering, The Bank of Yellville, Tri-V Services or Tideland Membership Corp.

**Objections and Response to Request No. 22:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced

**Request No. 23:**

23. All documents relating to how NOS, Affinity, and/or NOSVA determine or determined the identity of customers to whom its employees and/or agents will or would direct winback calls

**Objections and Response to Request No. 23:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 24:**

- 24 All documents relating to any disciplinary action of any kind whatsoever taken and/or imposed against any NOS, Affinity and/or NOSVA employee and/or agent involving any apparent, alleged, and or perceived failure to follow and/or conform to any winback script during one or more win back calls made by the employee and/or agent on behalf of NOS, Affinity and/or NOSVA.

**Objections and Response to Request No. 24:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 25:**

25. All documents relating to training of NOS, Affinity, and/or NOSVA employees an/or agents involved in making winback calls on behalf of NOS, Affinity and/or NOSVA.

**Objections and Response to Request No. 25:**

The Companies hereby incorporate their General Objections to the extent applicable  
Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced

**Request No. 26:**

- 26 All documents relating to sales goals, incentives, or disincentives for NOS, Affinity, and/or NOSVA employees and/or agents involved in winback-related activities

**Objections and Response to Request No. 26:**

The Companies hereby incorporate their General Objections to the extent applicable  
Subject to, and without waiving their objections, the Companies respond as follows.

Without waiving said objections, responsive material is produced.

**Request No. 27:**

- 27 All documents relating to and/or reflecting performance appraisals of Robert Faulkner

**Objections and Response to Request No. 27:**

The Companies hereby incorporate their General Objections to the extent applicable.  
Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 28:**

- 28 All documents relating to and/or reflecting any severance package provided to Robert Faulkner.

**Objections and Response to Request No. 28:**

The Companies hereby incorporate their General Objections to the extent applicable.  
Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 29:**

- 29 All documents relating to any meetings in March or April 2002 between or among Robert Faulkner and/or Joseph Koppy and/or Michael Arnau.

**Objections and Response to Request No. 29:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 30:**

- 30 All documents relating to the performance of the NOS, Affinity, and/or NOSVA Accounts Receivable and Collections Department during the period of April 2001 through April 2002

**Objections and Response to Request No. 30:**

The Companies hereby incorporate their General Objections to the extent applicable

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 31:**

31. All documents relating to and/or reflecting all performance appraisals of Marsha Gibbs.

**Objections and Response to Request No. 31:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 32:**

- 32 All documents relating to and/or reflecting all organizational charts of NOS, Affinity and/or NOSVA

**Objections and Response to Request No. 32:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows.

The Companies are in the process of compiling responsive material and intend to produce such material by Friday, August 1, 2003.

**Request No. 33:**

- 33 All documents relating to "calling as customer" initiatives or practices of NOS, Affinity and/or NOSVA

**Objections and Response to Request No. 33:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 34:**

34. All documents relating to "short term winback" initiatives or practices of NOS, Affinity, and/or NOSVA.

**Objections and Response to Request No. 34:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Without waiving said objections, responsive material is produced.

**Request No. 35:**

35. All complaints, counter-claims, and/or cross-claims filed in any county, state or federal court against NOS, Affinity and/or NOSVA alleging the companies engaged in fraudulent marketing practices

**Objections and Response to Request No. 35:**

The Companies hereby incorporate their General Objections to the extent applicable Subject to, and without waiving their objections, the Companies respond as follows

Other than material produced in response to Request No 21, the Companies are not aware of any “complaints, counter-claims, and/or cross-claims filed in any county, state or federal court against NOS, Affinity and/or NOSVA alleging the companies engaged in fraudulent marketing practices” relating to Winback practices as identified in the Show Cause Order

**Request No. 36:**

- 36 All documents relating to the resolution of such complaints, counter-claims, and/or cross-claims, as referenced in Request No 35.

**Objections and Response to Request No. 36:**

The Companies hereby incorporate their General Objections to the extent applicable. Subject to, and without waiving their objections, the Companies respond as follows:

Other than material produced in response to Request No 21, the Companies are not aware of any “complaints, counter-claims, and/or cross-claims filed in any county, state or federal court against NOS, Affinity and/or NOSVA alleging the companies engaged in fraudulent marketing practices” relating to Winback practices as identified in the Show Cause Order.



**Request No. 37:**

- 37 All complaints, indictments, orders to show cause, hearing designation orders or similar proceeding-initiating documents filed against NOS, Affinity and/or NOSVA by any state public utility commission containing the allegation that any such entity engaged in fraudulent marketing practices

**Objections and Response to Request No. 37:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows.

Other than material produced in response to Request No. 21, the Companies are not aware of any “complaints, indictments, orders to show cause, hearing designation orders or similar proceeding-initiating documents filed against NOS, Affinity and/or NOSVA by any state public utility commission containing the allegation that any such entity engaged in fraudulent marketing practices” relating to Winback practices as identified in the Show Cause Order.

**Request No. 38:**

- 38 All documents relating to the resolution of all complaints, indictments, orders to show cause, hearing designation orders or similar proceeding-initiating documents, as referenced in Request No. 37

**Objections and Response to Request No. 38:**

The Companies hereby incorporate their General Objections to the extent applicable.

Subject to, and without waiving their objections, the Companies respond as follows:

Other than material produced in response to Request No. 21, the Companies are not aware of any “complaints, indictments, orders to show cause, hearing designation orders or *similar proceeding-initiating* documents, as referenced in Request No. 37” relating to Winback practices as identified in the Show Cause Order